



PUBLIC NOTICE

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COMMISSION STAFF RELEASES REPORTS ON 2006 BIENNIAL REVIEW OF TELECOMMUNICATIONS REGULATIONS

Federal Communications Commission staff today released the 2006 Biennial Review Reports, in accordance with Section 11(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 161(a).¹ Section 11(a) requires the Commission to review, every other year, regulations issued under the Communications Act that apply to the operations or activities of any provider of telecommunications service and determine whether such regulation "is no longer necessary in the public interest as the result of meaningful economic competition between providers of such [telecommunications] service."

On August 10, 2006, the Commission issued a Public Notice seeking comment on whether any rules subject to the Section 11(a) biennial review should be repealed or modified as the result of meaningful economic competition between providers of telecommunications service.² Staff considered the public comments, as well as developments in the marketplace, in deciding whether to recommend repeal or modification to any rules that are subject to review under Section 11(a).

Pursuant to its Section 11(a) review, staff recommends that the Commission initiate proceedings to consider whether to modify or repeal Commission rules, rule parts, or portions thereof, which are codified in 47 C.F.R., including: Section 1.2111(a); Section 42.4; Section 51.333; Part 63, the international 214 application process; Part 64, subpart J.

In addition, staff notes that numerous pending proceedings address rules that are subject to the section 11 biennial review requirements, and recommends that the Commission consider in those proceedings

¹ See *Federal Communications 2006 Biennial Regulatory Review: Consumer & Governmental Affairs Bureau Staff Report*, CG Docket No. 06-152, *Enforcement Bureau Staff Report*, EB Docket No. 06-153, *International Bureau*, IB Docket No. 06-154, *Office of Engineering and Technology*, ET Docket No. 06-155, *Wireless Telecommunications Bureau*, WT Docket No. 06-156, and *Wireline Competition Bureau*, WC Docket No. 06-157.

² Public Notice, *The Commission Seeks Public Comment in the 2006 Biennial Review of Telecommunications Regulations*, FCC 06-115 (rel. Aug. 10, 2006). The Public Notice was released before the Commission established the Public Safety and Homeland Security Bureau (PSHSB) on Sept. 26, 2006. Therefore, the rules that are subject to section 11 biennial review requirements and that are now under the purview of PSHSB are addressed by other bureaus and offices in their staff reports.

whether the rules are necessary in the public interest, and, if not, to modify or repeal any rule so that it is in the public interest. Relevant pending proceedings include review of Commission rules, rule parts, or portions thereof, which are codified in 47 C.F.R., including: Part 1; Section 20.6; Section 20.11, Section 20.12(c); Part 22; Part 23; Part 24; Part 27; Section 32.26; Part 32; Part 36; Part 43; Part 51; Part 52; Part 53; Part 54; Part 61; Part 63, Part 64, subparts G, I and T; Part 69, Part 80, Part 90.

Finally, staff finds that, for reasons other than the development of economic competition between telecommunications service providers, certain of the Commission's rules in their current form may no longer be in the public interest and recommends that the Commission initiate proceedings to consider whether to modify or repeal Commission rules, rule parts, or portions thereof, which are codified in 47 C.F.R., including: Sections 1.5000-1.5007; Section 2.1204; Section 15.19(b)(3); Part 17; Section 20.12; Section 20.20; Sections 24.239-24.253; Part 25; Part 64, subpart A; Sections 101.69-101.81.

The staff reports satisfy the requirements of Section 11(a) to identify current rules that should be modified or repealed.³ Under Section 11(b), the Commission is directed to "repeal or modify any regulation it determines to be no longer necessary in the public interest." 47 U.S.C. § 161(b). The Commission will take further action as appropriate to implement the staff recommendations and satisfy the requirements of Section 11(b).

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³ Public Notice, *Commission releases Staff Reports on 2004 Biennial Review of Telecommunications Regulations* at n.4, DA 05-24 (rel. Jan. 5, 2005).